

Elections and the Electoral Process



**First and foremost understand that there is:
No provision for the role of political parties and
No provision for primary caucuses or elections
in the United States Constitution!**

Our Founding Fathers did this because to them political factions (as parties were called in their day) equaled corruption and a disintegration of inalienable rights. They did not deny their place, they just didn't want them to be "*part and parcel*" with the new government of the Republic of the United States of America; rather they could exist off on the side of it. Too bad that isn't the case anymore.



The General Electoral Process

Federal Elections are held in November of even-numbered years. Just as the President, Senators, and Representatives have overlapping constituencies, their terms also overlap.

- All Representatives are elected every two years by the voters of the district they are *supposed* to represent.
- Senators serve six-year terms, with one-third of them up for election every even year. Senators are chosen in statewide elections and are *supposed* to represent all residents of their states.
- The President and Vice President are now elected together every four years in a nationwide election. Again these positions are *supposed* to represent ALL the US citizens to the rest of the world.

(The above was taken from the U.S. Department of State publication, How the United States is Governed. <http://www.america.gov/st/usg-english/2008/June/20080628212510eafas0.2232324.html>)

The election process begins well in advance of the actual election as individuals declare their candidacies for office. In the congressional election process, if more than one candidate from the same party seeks the office, a primary election is held to determine which candidate will be on the ballot in the general election.

The Republican and Democrat parties contest public office at every level of political life including town councils, mayoralities, state governorships, Congress and the presidency. The selection of these officials is a two-part process, first, to win the party nomination and second, to defeat the opposing party's candidate in the general election.

In the general election in November, Senators and Representatives are elected by plurality vote – the candidate receiving the most votes wins, even if it is not a majority.

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(Per Merriam-Webster: Plurality Votes are: a number of votes that is more than the number of votes for any other candidate or party but that is not more than half of the total number of votes.)

The primary process for presidential elections is different from state, local and congressional elections. Beginning in January and lasting through June of the election year, states hold presidential primaries or caucuses.

Congressional Elections

The Congress is divided into two chambers, the Senate and the House of Representatives.

The Senate is composed of two members from each state, as provided by the Constitution. Its current membership is 100. Senators are elected to serve six-year terms; every two years one third of the Senate is up for reelection. Before 1913, senators were chosen by their state legislatures, as the Founding Fathers believed that since the senators represented the state, the state legislature should elect them. The 17th amendment to the constitution changed this procedure, mandating that senators be elected directly by the voters of their state.

When the first Congress met in 1789, there were 59 members of the House of Representatives. As the number of states increased and the population grew, the number of representatives increased significantly. *A law passed in 1911 fixed the size of the House of Representatives at 435 members.* Members of the House are up for reelection every two years. The number of representatives in each state depends upon its population as reported in the nation's most recent census.

Each state is divided into a corresponding number of congressional districts. There is a representative for every congressional district, elected by the voters residing in that district.

State and Local Government

Like the national government, state governments have three branches: executive, legislative, and judicial; these are roughly equivalent in function and scope to their national counterparts. The chief executive of a state is the governor, elected by popular vote, typically for a four-year term (although in a few states the term is two years). Except for Nebraska, which has a single legislative body, all states have a bicameral legislature, with the upper house usually called the Senate and the lower house called the House of Representatives, the House of Delegates, or the General Assembly. Types of city governments vary widely across the nation. However, almost all have some kind of central council, elected by the voters, and an executive officer, assisted by various department heads, to manage the city's affairs.

Unfortunately, since our government was hijacked by Republicans and Democrats, our government is now “of the Republicans and Democrats, by the Republicans and Democrats, for the Republicans and Democrats”, rather than being Constitutional and “of the People, by the People, for the People”, plus we the citizens pay for these primary elections and national conventions with our tax dollars, even if we are not a member of either party or registered to vote.

Presidential Elections



The United States Constitution stipulates that a presidential election is to be held once every fourth year. The process of electing a president and vice-president, however, begins long before election day.

Article Two of the United States Constitution originally established the method of presidential elections, including the Electoral College. This was a result of a compromise between those constitutional framers who wanted the Congress to choose the president and those who preferred a national popular vote.

Each state is allocated a number of electors that is equal to the size of its delegation in both houses of Congress combined. With the ratification of the 23rd Amendment to the Constitution in 1969, the District of Columbia is also granted a number of electors, equal to the number of those held by the least populous state. However, U.S. territories are *not* represented in the Electoral College.

Constitutionally, the manner for choosing electors is determined within each state by its legislature. During the first presidential election in 1789, only 6 of the 13 original states chose electors by any form of popular vote. Gradually throughout the years, the states began conducting popular elections to help choose their slate of electors to the Electoral College. Over time this process was hijacked and evolved into nationwide indirect, Democrat and Republican party directed election system that we have today.

[Under the original system established by Article Two, electors could cast two votes to two different candidates for president. The candidate with the highest number of votes \(provided it was a majority of the electoral votes\) became the president, and the second-place candidate became the vice president.](#)

This presented a problem during the presidential election of 1800 when Aaron Burr received the same number of electoral votes as Thomas Jefferson and challenged Jefferson's election to the office. In the end, Jefferson was chosen as the president because of Alexander Hamilton's influence in the House of Representatives. This added to the deep rivalry between Burr and Hamilton which resulted in their famous 1804 duel.

In a knee-jerk response to the immaturity of the 1800 election, the 12th Amendment was passed, requiring electors to cast two distinct votes: one for President and another for Vice President. The Amendment also established rules when no candidate wins a majority vote in the Electoral College.

Although *the nationwide popular vote does not directly determine the winner of a presidential election*, it does strongly correlate with who is the victor. In 52 of the 56 total elections held so far (about 93 percent), the winner of the Electoral College vote has also carried the national popular vote. However, candidates can fail to get the most votes in the nationwide popular vote in a Presidential election and still win that election. The election of 1824 is a perfect example.

Until 1937, presidents were not sworn in until March 4 because it took so long to count and report ballots and because of the winner's logistical issues of moving to the capital. With better technology and the *20th Amendment* being passed, presidential inaugurations were moved to noon on January 20—allowing presidents to start their duties sooner.

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Under the United States Constitution, the manner of choosing electors for the Electoral College is determined by each state's legislature. Although each state currently designates electors by popular vote, other methods are allowed. For instance, a number of states formerly chose presidential electors by a vote of the state legislature itself.

However, federal law does specify that all electors must be selected on the same day, which is "the first Tuesday after the first Monday in November," i.e. a Tuesday no earlier than November 2 and no later than November 8. Today, the states and the District of Columbia each conduct their own popular elections on Election Day to help determine their respective slate of electors. Thus, the presidential election is really an amalgamation of separate and simultaneous state elections instead of a single national election run by the federal government. However, each state and local government pays for any election that it tabulates with our tax dollars.

The nominating process within the political parties officially begins with the first state primaries and caucuses, which usually occur in the month of February of the election year. These primaries and caucuses choose slates of delegates (usually pledged to support particular candidates) to represent the state at the national party conventions.

Remember, our tax dollars pay for these primaries and national conventions, even if we are not a member of either party.

United States Presidential Election Process is mainly carried out by the electors who are *supposed* to be the people's representatives in various states. With a good number of candidates contesting the election, these electors may vote for any one candidate they prefer personally. In spite of wide differences in the elector's preference for the nominated Presidential candidates, the US Congress is the final decider of the fate of these candidates, in entering the White House.

The US Presidential Election Process is strictly guided by *Amendments XII, XXII, and XXIII* of Article II, Section I of the Constitution of United States of America. According to this guideline, the Electoral College makes use of similar tickets to elect both the President and Vice President of the country. The US Election Procedures are held under the strict authority and supervision of the local election board. In fact, *it is the duty of this election board to ensure a neutral and reasonable poll, without the involvement of any party or manipulation and corruption.*

For presidential elections, selecting your states electors is the most important factor, especially since most states do NOT have binding electors (electors that must vote as the state's general election results dictate). The results of the electoral vote overrides the results of the general public election and its votes.



Primary/Caucus

Caucuses are a series of meetings held across a state. At these meetings, *party members* discuss the candidates, and then openly vote for state delegates who represent the candidate they support.

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If this is a Presidential Caucus, those state delegates, in turn, choose delegates to attend the national convention, where they are expected to support the candidate whom they had pledged to support.

When the caucus begins, the voters in attendance divide themselves into groups according to the candidate they support. The undecided voters congregate into their own group and prepare to be "courted" by supporters of other candidates.

Primary elections are run (and hence cost the same) as any general election. However two things happen in a primary that do not happen in a general election.

1. They are purely political, in that they are to choose a "public preference" for the state or national candidate to their party. If this is a presidential primary this public choice is whom their delegates are *supposed* to "vote" for at the party's national convention.
2. Today, primaries are usually some form of "closed" election where *only members of a specific party can participate rather than all legally registered voters*. Which means that any candidate that is NOT Republican or Democrat doesn't have a chance of getting voted for because only Democrats and Republican legally registered voters can cast a vote.

In presidential elections, each state is allocated a number of electoral votes equal to the sum of U.S. Representatives and Senators for that state. The District of Columbia, though not a state, has three electoral votes.

The electoral process culminates in the quadrennial election of the president of the United States. *Party candidates are selected in nominating conventions held several months before the general election*. Delegates to these conventions, chosen within each state, are generally pledged to vote for a particular candidate, at least on the first ballot.

Our tax dollars pay for the primary elections and the national conventions no matter if we are a member of that party or even registered to vote.

General elections pit the candidates of the political parties against each other. In most cases, the party candidates for all offices -- federal, state and local -- run as a block or slate, although voters cast their ballots for each office individually. In addition, each party draws up a statement of its position on various issues, called a platform. Voters thus make their decisions on the basis of the individuals running for office, and the political, economic and social philosophies of the parties they represent.

It is possible for a candidate to run for office in a general election without the backing of a political party. To run as an independent, a person must present a petition, signed by a specified number of voters who support his or her candidacy. Still another device is the write-in vote: A candidate's name that does not appear on the ballot can be written in by voters in a space provided for that purpose.

Persons elected to office exercise the power to make and execute laws *supposedly* as representatives of the people. In certain circumstances, the people can exercise this power directly.

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The example of the New England town meeting is one such instance. In addition, in some states, a substantial number of voters may petition for the adoption of a law, bypassing the normal legislative process. The proposal, called an initiative, is submitted for approval of the voters at a general or special election. If approved, it becomes law without legislative action. In other cases, the people may be asked to express their opinions by voting on specific issues in a referendum.

The referendum may be only an expression of the popular will to guide the legislature, or it may be made binding on the legislators. In the latter case, an act of the legislature may be overturned by the voters.

Nominating Candidates

Methods of nominating candidates have evolved throughout U.S. history. The earliest, which dates from colonial times, is the caucus, an informal meeting of party leaders who decide which candidates they will support. Other methods of selecting candidates include conventions and nomination meetings.

As the nation developed and political organizations became more complex and married to the government itself, various local caucuses began to delegate representatives to meet with representatives from other local caucuses to form county and then state groups, which finally selected candidates.

These enlarged bodies, known as conventions, were the prototypes of the huge presidential nominating conventions of today.

The third nominating method is the primary election. Primaries are statewide 'intraparty' elections (in theory only); which are designed to give voters the opportunity to select their party's candidates directly for various offices.

Prior to 1820, members of Congress chose their party representatives for the presidential election. That system collapsed in 1824, and since 1832 the preferred mechanism for nomination has been a *national convention*.

In 1910, Oregon became the first state to establish a presidential preference primary, which requires delegates to the National Convention to support the winner of the primary at the convention. (The preference primary was to avoid a delegate from suddenly taking a "perk" and voting for someone else, which was rampant between 1832 and the early 1900's.) By 1912, twelve states either selected delegates in primaries, used a preferential primary, or both. By 1920 there were 20 states with primaries, but some went back, and from 1936 to 1968, 12 states used them.

The use of public tax dollars to pay for these preliminary caucuses and primaries and ultimately the party national conventions occurred between the late 1800's and early 1900's.

Furthermore, in the early 20th century, primaries were a notable method of limiting the voting rights of minorities. As many states use a closed party system—meaning only those registered with a particular party can vote in them, and many minorities were barred from registering with a party—tons of minorities could not vote in primaries. The 1944 Supreme Court decision of *Smith vs. Allwright* declared the barring unconstitutional.



Primaries are now quite common in the United States, where their origins are traced to the Progressive Movement (1890s - 1920s) to *supposedly* take the power of candidate nomination from party leaders and put it to the people.

Critics of the unofficial, un-constitutionally specified, predominately two-party system in the United States (of which this writer is one) claim that the primary election process and the resulting two candidates limit the choices available to voters who are then coerced into/feel obligated to side with one party or the other, in effect, *forced into choosing the “best of two evils”* and perpetrating this “unholy marriage between political parties and the US government”, with its career politicians and cheerleaders for their respective political parties, rather than voting for a candidate that will be a “representative of the people, elected official”. On top of this, campaigning begins well before the first state primary, the funds spent on a candidate's campaign are astronomical and largely funded by the public. And then there is the fact that the actual running of the primary itself is funded by tax dollars, no matter if party affiliated or not, or registered to vote or not.

What Is the Purpose of Primary Elections in the Electoral Process?

Primary elections in the United States are used to choose one candidate from a pool of applicants for *each political party* to run in an election as a representative of the entire party. **This is purely a political function and has NO basis in the Constitution. Federal, state and local tax dollars pay for these primaries** and if your state has a “closed primary” where only a person who is registered as a Republican or Democrat can vote, then you are being forced to not only pay for, but to also participate in one of these two parties.

A state can “open” or “closed” primaries or one of the hybrids:

- **Closed primary:** People may vote in a party's primary only if they are registered members of that party prior to election day. Which in the U.S. means that only allows Democrat and Republican legally registered voters to vote. *Independents cannot participate.* (Note that because some political parties name themselves independent, the terms "non-partisan" or "unaffiliated" often replace "independent" when referring to those who are not affiliated with a political party.) Thirteen states — Connecticut, Delaware, Florida, Kentucky, Maine, Nebraska, Nevada, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, and South Dakota — have closed primaries.
- **Open primary:** A legally registered voter may vote in any party primary regardless of his own party affiliation. When voters do not register with a party before the primary, it is called a pick-a-party primary because the voter can select which party's primary he or she wishes to vote in on election day. Because of the open nature of this system, a practice known as raiding may occur. Raiding consists of voters of one party crossing over and voting in the primary of another party, effectively allowing a party to help choose its opposition's candidate. The theory is that opposing party members vote for the weakest candidate of the opposite party in order to give their own party the advantage in the general election. An example of this can be seen in the 1998 Vermont senatorial primary with the nomination of Fred Tuttle as the Republican candidate in the general election.
- **Semi-closed:** As in closed primaries, registered party members can vote only in their own party's primary. Semi-closed systems, however, allow unaffiliated voters to participate as well. Depending on the state, independents either make their choice of party primary privately, inside the voting booth, or publicly, by registering with any

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party on Election Day. Fifteen states — Alaska, Arizona, California, Colorado, Iowa, Kansas, Massachusetts, New Hampshire, North Carolina, Oregon, Rhode Island, Utah, West Virginia, and Wyoming — have semi-closed primaries that allow voters to register or change party preference on election day.

- **Semi-open:** A registered voter need not publicly declare which political party's primary that they will vote in before entering the voting booth. When voters identify themselves to the election officials, they must request a party's specific ballot. Only one ballot is cast by each voter. In many states with semi-open primaries, election officials or poll workers from their respective parties record each voter's choice of party and provide access to this information. The primary difference between a semi-open and open primary system is the use of a party-specific ballot. In a semi-open primary, a public declaration in front of the election judges is made and a party-specific ballot given to the voter to cast. Certain states that use the open-primary format may print a single ballot and the voter must choose on the ballot itself which political party's candidates they will select for a contested office.
- **Blanket primary:** A primary in which the ballot is not restricted to candidates from one party.
- **Nonpartisan blanket primary:** A primary in which the ballot is not restricted to candidates from one party, where the top two candidates advance to the general election regardless of party affiliation.
- **There are also mixed systems in use:** In West Virginia, where state law allows parties to determine whether primaries are open to independents, Republican primaries are open to independents, while Democratic primaries were closed. However, as of April 1, 2007, West Virginia's Democratic Party opened its voting to allow "individuals who are not affiliated with any existing recognized party to participate in the election process".
- **Nonparty Primaries:** In elections that are not divided by political party, primaries are often held simply to narrow down a pool of candidates prior to the election of one individual. In the United States, these include municipal and county offices or appointed positions. This is the form any (primary or not) tax payer dollar run election should take.

Remember that in the beginning there were *only privately held caucuses or primary elections* that started at the local (town) level, to district, to state and culminated in the national convention. *Each party was 100% responsible for the cost of any such caucus or preliminary election, as well as for their national convention – no tax payer dollars were used.*

After all these “preliminaries” are taken care of then “delegates” go to the national convention to cast their votes.

Today, all these preliminary caucus and election processes are paid for by that local/state government and the national conventions are subsidized by the federal government. IE: On the tax payers dime, no matter what party is involved.

How Delegates are Awarded?

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The Democratic and Republican parties use different methods for determining how many delegates are awarded to, or "pledged" to vote for the various candidates at their national conventions. *In truth ALL the political parties use different methods, however the government doesn't report on the other parties.*

Democrats use a proportional method. Each candidate is awarded a number of delegates in proportion to their support in the state caucuses or the number of primary votes they won.

For example, consider a state with 20 delegates at a democratic convention with three candidates. If candidate "A" received 70% of all caucus and primary votes, candidate "B" 20% and candidate "C" 10%, candidate "A" would get 14 delegates, candidate "B" would get 4 delegates and candidate "C" would get 2 delegates.

In the Republican Party, each state chooses either the proportional method or a "winner-take-all" method of awarding delegates. Under the winner-take-all method, the candidate getting the most votes from a state's caucus or primary, gets all of that state's delegates at the national convention.

Do U.S. territories vote in the primaries?

Yes. A territory is a part of the United States that has its own government but is not considered a state. Voters in U.S. territories do hold primaries and caucuses to help select the party nominees for President. *But because territories are not states, their citizens do not get to vote for the President in the general election, nor do they have electors to the Electoral College.* These include American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the United States Virgin Islands.



1876 Democrat National Convention



1912 Republican National Convention Delegates

Party National Conventions

In the summer of every presidential election year, political parties in the United States typically conduct national conventions to choose their presidential candidates. At the conventions, the presidential candidates are selected by groups of delegates from each state. After a series of speeches and demonstrations in support of each candidate, the delegates begin to vote, state-by-state, for the candidate of their choice. The first candidate to receive a preset majority number of delegate votes becomes the party's presidential candidate. The candidate selected to run for president then selects a vice presidential candidate.

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Delegates to the national conventions are selected at the state level, according to rules and formulas determined by each political party's state committee. While these rules and formulas can change from state-to-state and from year-to-year, there remain two methods by which the states choose their delegates to the national conventions: the caucus and the primary

The number of convention delegates that vote for these nominees or candidates varies from state to state. Some states divide their delegates proportionately, some states like “unplaced” delegates who can vote for any nominee or candidate regardless of the results of the primaries or caucuses.

Most of these delegates are “pledged” to a candidate or nominee who wins the states’ primary or caucus. But each party and each state has its own guidelines – rewarding or punishing these delegates based on who vote for at the national convention.

Counting takes place to determine the winning candidate. For the Democrats the person to secure 2183 votes from 4364 delegates – pledged or unpledged at the national convention. For the Republicans it’s the person to secure 1191 delegates, pledged or unpledged to the 2380 elected to the national convention.



What happens after the conventions?

The candidates of the various parties will launch their campaigns. They will travel the country making speeches or “pitches” on their primary issues and qualifications, run ads and participate in debates (both televised and by ticket only).

At this point the campaign process is a “circus” loaded with double-speak and innuendo as well as mud-slinging and finger pointing, particularly between Democrats and Republicans. These two powerhouses, via the coercion of closed primaries, are not worried about any other party because the Electoral votes are already stacked between them. The general election will be held the first Tuesday in November.



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Remember, our tax dollars pay for these primaries and national conventions, even if we are not a member of either party or are not even registered to vote.



Election Day

On election day -- the first Tuesday following the first Monday in November of an election year -- every citizen of legal age who has taken the steps necessary in his or her state to meet the voting requirements (IE: registering to vote) has an opportunity to vote.

However, the president is not formally chosen by direct popular vote. The constitution calls for a process of indirect popular election known as the Electoral College.



The Electoral College

Most state laws establish a winner-take-all system, wherein the ticket that wins a *plurality* of votes wins all of that state's allocated electoral votes and thus has their slate of electors chosen to vote in the Electoral College. Maine and Nebraska do not use this method, opting instead to give two electoral votes to the statewide winner and one electoral vote to the winner of each Congressional district.

(Per Merriam-Webster: Plurality Votes are: a number of votes that is more than the number of votes for any other candidate or party but that is not more than half of the total number of votes.)

Each state's winning slate of electors then meets at their respective state's capital on the first Monday after the second Wednesday in December to cast their electoral votes on separate ballots for President and Vice President. Although Electoral College members can technically vote for anyone under the U.S. Constitution, *24 states have laws to punish faithless electors*, those who do not cast their electoral votes for the person whom they have pledged to elect.

In early January, the total Electoral College vote count is opened by the sitting Vice President, acting in his capacity as President of the Senate and read aloud to a joint session of the incoming Congress, which was elected at the same time as the President.

If no candidate receives a majority of the electoral vote (currently at least 270), the President is determined by the rules outlined by the 12th Amendment. Specifically, *the selection of President would then be decided by a ballot of the House*

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of Representatives. For the purposes of electing the President, each state has only one vote. *A ballot of the Senate is held to choose the Vice President.* In this ballot, each senator has one vote. The House of Representatives has chosen the victor of the presidential race only twice, in 1800 and 1824; the Senate has chosen the victor of the vice-presidential race only once, in 1836.

If the President is not chosen by Inauguration Day, the Vice President-elect acts as President. If neither are chosen by then, Congress by law determines who shall act as President, pursuant to the 20th Amendment.

Unless there are faithless electors, disputes, or other controversies, the events in December and January mentioned above may seem as a formality. However since each state passes its own statutes regarding the “binding” and “faithfulness” of its electors, and those state governments, like the Federal government, are currently solely occupied by either Democrats or Republicans, the “winner” of any presidential/vice presidential election is up in the air until the Electoral College count. So basically in the current marriage of two political parties to our governments we cannot assume that a winner to this election is based on the state-by-state popular vote results.

Between the general election and Inauguration Day, this apparent winner is referred to as the "President-elect" (unless it is a sitting President that has won re-election).

The political parties (or independent candidates) in each state submit to the chief election official a list of electors pledged to their candidate for president and equal in number to the state's electoral vote. Each state is allocated a number of electors equal to the number of its U.S. senators (always 2) plus the number of its U.S. representatives.



Following election day, on the first Monday after the second Wednesday in December, these electors assemble in their state capitals, cast their ballots, and officially select the next president.

In theory, whichever presidential ticket gets the most popular votes in a state wins all of that state's electors (except in Maine and Nebraska). There have been instances where the Electoral College voted differently than the general election, thus overriding the people's choice.

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It was designed to be a force in balancing population distribution within a state and between states. When working as it should (non-party oriented in any way) it actually leverages the individual citizen's vote. Early history books on the Electoral College mention political parties as an aside; in that they are referred to, but not designated as the driving force behind the electors.

[See why it is so important to be involved in the selection of your states electors to the Electoral College!](#)



The President Vice-President Take The Oath

The president-elect and vice president-elect take the oath of office and are inaugurated on January 20th.

Recap of The Presidential Election Process

- In order to be elected president of the United States, the candidate must garner a majority of votes from the Electoral College.
- The presidential candidate who wins the popular vote in a state usually "wins" that state's electoral votes, commonly in a winner-take-all manner.
- After elections in each state are certified, the electoral votes won by each candidate are counted. If a candidate receives a majority of the electoral votes (at least 270 of the 538 total), he or she is declared the winner.
- If no candidate wins a majority of electoral votes, the U.S. House of Representatives chooses the winner, with each state delegation having one vote.
- Because the President is not elected directly by the people, it is possible for a candidate to receive a plurality of the popular vote and yet lose the election.

For more detailed information go to <http://www.TheGreenPapers.com/>

